

Case No: 05-3727

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

FILED  
JAMES BONINI  
CLERK

05 SEP 15 PM 4:26

ORDER

FILED

SEP 13 2005

THE KROGER COMPANY

Plaintiff - Appellee Cross-Appellant

LEONARD GREEN, Clerk

v.

MALESE FOODS CORPORATION

Defendant - Appellant Cross-Appellee

1:02cv439  
(Beckwith)

Upon consideration of the stipulation of the parties to voluntarily dismiss the cross appeal (05-3727) herein pursuant to Rule 42(b), Federal Rules of Appellate Procedure,

It is **ORDERED** that the stipulation is **GRANTED** and the appeal is dismissed. Case number 05-3725 will proceed on appeal.

ENTERED PURSUANT TO RULE 45(a),  
RULES OF THE SIXTH CIRCUIT.  
Leonard Green, Clerk

Leonard Green/MB

A TRUE COPY  
Attest:  
LEONARD GREEN, Clerk  
By James Burns  
Deputy Clerk

